

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:17-cr-07 |
| v. |) | |
| |) | Judge Mattice/Steger |
| DAMIEN GADDIS |) | |

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), the undersigned United States Magistrate Judge conducted a plea hearing in this case on June 5, 2017. At the hearing, Defendant entered a plea of guilty to count one of the two count Indictment in exchange for the undertakings made by the Government in the written Plea Agreement [Doc. 12] and Plea Agreement Supplement [Doc. 13] (hereinafter “Plea Agreement”). On the basis of the record made at the hearing, the Court finds that Defendant is fully competent and capable of entering an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by Defendant; it is made voluntarily and free from any force, threats, or promises, apart from the promises in the Plea Agreement; Defendant understands the nature of the charges and penalties provided by law; and the plea has a sufficient basis in fact. Acceptance of the plea, adjudication of guilt, acceptance of the Plea Agreement, and imposition of sentence are specifically reserved for the District Court Judge.

I therefore recommend that the Court: (1) grant Defendant’s motion to withdraw his not guilty plea as to count one of the two count Indictment; (2) accept Defendant’s guilty plea as to count one of the two count Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute and possess with intent to distribute five hundred grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United

States Code, Sections 841(a)(1), 841(b)(1)(A) and 846; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter.

The Defendant's sentencing hearing is scheduled on **September 18, 2017, at 9:00 a.m.**

ENTER.

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

You have the right to *de novo* review by the district judge of the foregoing findings. Any application for review must be in writing; must specify the portions of the findings or proceedings objected to; and must be filed and served no later than fourteen (14) days after the plea hearing. Failure to file objections within fourteen days constitutes a waiver of any further right to challenge the plea of guilty in this matter. See 28 U.S.C. § 636(b).